

***United States Court of Appeals
for the Second Circuit***



APPENDIX

76-1378

To be argued by
SHEILA GINSBERG

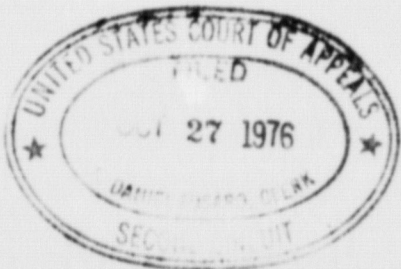
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
:
UNITED STATES OF AMERICA,
:
Plaintiff-Appellee,
:
-against-
:
JACINTO NEGRON,
:
Defendant-Appellant.
:
-----X

*B
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15*
Docket No. 76-1378

APPENDIX TO THE BRIEF FOR APPELLANT

ON APPEAL FROM AN ORDER
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK



SHEILA GINSBERG,
Of Counsel.

WILLIAM J. GALLAGHER, ESQ.,
THE LEGAL AID SOCIETY,
Attorney for Appellant
JACINTO NEGRON
FEDERAL DEFENDER SERVICES UNIT
509 United States Court House
Foley Square
New York, New York 10007
(212) 732-2971

CRIMINAL DOCKET

75 CR 407 COSTANTINO, J.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.: APPLEBY
vs.	LOZANO-Murray Cotler 16 Cou
X MARIA NUNEZ, a/k/a "Maria Cruz"	St. B'klyn TR5-1661
a/k/a "Maria Elena Rivera",	TORO-Joseph Lombardo 16 Cou
X JACINTO NEGRON,	St. B'klyn 855-1770
X RAMON RESTREPO,	
X ENRIQUE LOZANO,	For Defendant: NEGRON-Jeffrey
X LUIS TORO, a/k/a "David" and	Ressler 120-44 Queens Blvd
JANE DOE, a/k/a "Laura"	263-6872
	NUNEZ-Norman Paul Weiss
	125-10 Queens Blvd Kew Garde
Did possess cocaine	N.Y. 544-7070

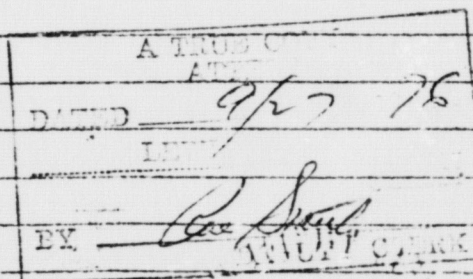
ABSTRACT OF COSTS	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
Fine,					
Clerk,					
Marshal,					
Attorney,					
Commissioner's Court,					
Witnesses,					

DATE	PROCEEDINGS
5/15/75	Before COSTANTINO, J.- Indictment filed
5/20/75	Before COSTANTINO, J.- Case called- Defts and counsel present-Deft arraigned and each deft enters a plea of not guilty- bail as to deft NUNEZ set at \$100,000.00 - Defts Negron, Restrepo, Lozano and Toro at \$50,000.00 each
	All motions by 6/23/75 and trial set for 6/23/75 at 10:00 A.M.
5/20/75	Notices of Appearances filed(4) (NUNEZ, TORO, NEGRON and LOZANO)
5/3/75	75 M 786 inserted in 75 CR 407.
6-4-75	Notice of Readiness for Trial filed
6-5-75	Notice of Motion filed, ret. June 23, 1975 for Discovery, Bill of Particulars, Inspection of Grand Jury Minutes, Dismissal (Ramon Restrepo and Enrique Lozano)
6/20/75	Notice of motion to dismiss, discovery, bill of particulars filed ret/ 6/23/75 (JACINTO NEGRON)

75CR 407

DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
6/23/75	Notice of motion for discovery and inspection filed ret. 7/17/75		(NUNEZ)
6-23-75	Before COSTANTINO J - case called - defts & attys present with interpreter E. Rodriguez - motions for reduction of bail denied - case set down on July 17, 1975 to set trial date; motion for Bill of Particulars adjd to July 17, 1975; motion for Bill of Particulars adjd to July 17, 1975.		
7-17-75	Before COSTANTINO J - case called & adjd to July 21, 1975 to set a trial date.; all other motions as to Discovery, Bill of Particulars adjd to July 21, 1975 at 10:00 am.		
7-21-75	Before COSTANTINO J - case called - ^{all} motions adjd to Sept. 3, 1975; Case adjd to 9-3-75 for trial.		
9-3-75	Before COSTANTINO J - case called - Defts NUNEZ, TORO & NEGRON arraigned and after withdrawing their plea of not guilty and being advised of their rights by the court enter pleas of guilty to count 3 - sentences adjd without date - Application for reduction of bail by deft TORO is denied. Motion is withdrawn for Discovery as to deft Nunez; Defts LOZANO & RESTREPO waive rights to speedy trial - trial set for Oct. 14, 1975-as to defts LOZANO & RESTREPO.		
10-10-75	Letter filed dated Oct. 7, 1975 from deft Maria Nunez received from Chambers (retd to Chambers)		
10-15-75	Before COSTANTINO J - case called- defts LOZANO & RESTREPO present with attys and Interpreter Emil Rodriguez present - case adjd to October 16, 1975 at 9:30 am for trial.		
10-16-75	Before COSTANTINO J - case called - defts & attys present - Interpreter Albert Boyne sworn - case adjd to Dec. 1, 1975 for trial.		
10-24-75	Before COSTANTINO J - case called - defts NEGRON, NUNEZ & TORO present with attys - Deft NEGRON sentenced to imprisonment for 10 years plus 15 years special parole term and to be deported upon completion of his sentence. On motion of AUSA Appleby counts 1 and 2 are dismissed; Deft NUNEZ sentenced to imprisonment for 7 years plus 8 years special parole term. On motion of AUSA Appleby counts 1 and 2 are dismissed; Deft TORO sentenced pursuant to 18:5010(b) for an indeterminate period. on count 3. On motion of AUSA Appleby counts 1 and 2 are dismissed		
10-24-75	Judgment and Commitment filed - certified copies to Marshal (NEGRON, NUNEZ & TORO)		
10/29/75	Certified copies of Judgments and Commitments filed- ^{retd and} defts delivered to MCC (TORO and NEGRON)		
11/3/75	Certified copy of Judgment and Commitment filed - defts delivered to MCC (TORO and NEGRON)		

DATE	PROCEEDINGS
12-1-75	Before COSTANTINO J - case called - defts & atty M.Cutler present - adjd to Dec 2, 1975 at 10:00 am for trial.
12/2/75	Notice of motion for reduction of sentence filed(NUNEZ)
12/5/75	By COSTANTINO,J.- Memorandum and Order filed denying above motion
1/30/76	Before COSTANTINO,J.- Case called- defts and counsel present- On motion of A.U.S.A. Appleby the indictmet is dismissed as to defts RAMON RESTREPO and ENRIQUE LOZANO)
1/30/76	By COSTANTINO,J.- Order of dismissal filed(LOZANO and EESTREPO)
2-3-76	By COSTANTINO J - Memorandum and Order filed denying motion for reduction of sentence (Toro)
2/9/76	Application by deft Negron for reduction of sentence filed
2-11-76	Motion for reduction of sentence under Rule 35 filed as to deft Negron.
3-18-76	By COSTANTINO J - Memorandum and Order filed denying motion of deft Negron to reduce sentence imposed.
4-29-76	Notice of Appeal filed(from denial in Rule 35 motion(Negron) no fee
4-29-76	Docket entries and duplicate of notice of appeal mailed to the C of A.
6-17-76	Stenographers transcript dated Oct. 24, 1975 filed.
8/30/76	Notice received from Court of Appeals that the record be docketed & filed on or before 9/27/76, filed. (JACINTO NEGRON).
9/15/76	Stenographers transcript dated 9/3/75 filed.(JACINTO NEGRON).



RJD:RA:sm
F. #751,749

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MAY 15 1975

1:15 P.M.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

75CR. 407

UNITED STATES OF AMERICA

- against -

Cr. No. _____
(T. 21, U.S.C., §§841(a)(1),
846 and T. 18, U.S.C., §2)

MARIA NUNEZ, a/k/a "Maria Cruz",
a/k/a "Maria Elena Rivera",
JACINTO NEGRON,
RAMON RESTREPO,
ENRIQUE LOZANO,
LUIS TORO, a/k/a "David", and
JANE DOE, a/k/a "Laura",

Defendants.

- - - - - X

THE GRAND JURY CHARGES:

COUNT ONE

On or about and between the 16th day of April 1975 and the 2nd day of May 1975, within the Eastern District of New York and elsewhere, the defendants MARIA NUNEZ, also known as "Maria Cruz", also known as "Maria Elena Rivera", JACINTO NEGRON, RAMON RESTREPO, ENRIQUE LOZANO, LUIS TORO, also known as "David", and JANE DOE, also known as "Laura", did knowingly and intentionally conspire to distribute various quantities of cocaine, a Schedule II narcotic drug controlled substance in violation of Title 21, United States Code, Section 841(a)(1). (Title 21, United States Code, Section 846).

In furtherance of the said unlawful conspiracy and for the purpose of effecting the objectives thereof, the defendants MARIA NUNEZ, also known as "Maria Cruz", also known as "Maria Elena Rivera", JACINTO NEGRON, RAMON RESTREPO, ENRIQUE LOZANO, LUIS TORO, also known as "David", and JANE DOE, also known as "Laura", committed the following:

OVERT ACTS

1. On or about the 17th day of April 1975, the

defendants MARIA NUNEZ, also known as "Maria Cruz", also known as "Maria Elena Rivera", and LUIS TORO, also known as "David", at 601 West 140th Street, New York City, New York, sold approximately 147.9 grams of cocaine to an undercover agent of the Drug Enforcement Administration.

2. On or about the 23rd day of April 1975, the defendants MARIA NUNEZ, also known as "Maria Cruz", also known as "Maria Elena Rivera", LUIS TORO, also known as "David", and JACINTO NEGRON, at 601 West 140th Street, New York City, New York, sold approximately 513.69 grams of cocaine to an undercover agent of the Drug Enforcement Administration.

3. On or about the 2nd day of May 1975, at 95th Street and Ditmars Avenue, Queens, New York, the defendants MARIA NUNEZ, also known as "Maria Cruz", also known as "Maria Elena Rivera", JACINTO NEGRON, RAMON RESTREPO, ENRIQUE LOZANO, LUIS TORO, also known as "David", and JANE DOE, also known as "Laura", sold approximately 1235.6 grams of cocaine to an undercover agent of the Drug Enforcement Administration .

COUNT TWO

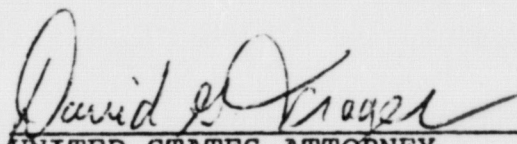
On or about the 2nd day of May 1975, within the Eastern District of New York, the defendants MARIA NUNEZ, also known as "Maria Cruz", also known as "Maria Elena Rivera", JACINTO NEGRON, RAMON RESTREPO, ENRIQUE LOZANO, and LUIS TORO, also known as "David", did knowingly and intentionally possess with intent to distribute approximately 1235.6 grams of cocaine, a Schedule II narcotic drug controlled substance. (Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2).

COUNT THREE

5
On or about the 2nd day of May 1975, within the Eastern District of New York, the defendants MARIA NUNEZ, also known as "Maria Cruz", also known as "Maria Elena Rivera", JACINTO NEGRON, RAMON RESTREPO, ENRIQUE LOZANO, and LUIS TORO, also known as "David", did knowingly and intentionally distribute approximately 1235.6 grams of cocaine, a Schedule II narcotic drug controlled substance. (Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2).

A TRUE BILL.


FOREMAN


UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE UNITED STATES

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. NY

75-CR-407

v.

MAR 18 1976

MEMORANDUM and
ORDER

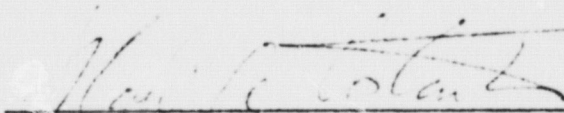
JACINTO NEGRON

TIME AM.....
PM.....

MAR 18 1976

-----x
COSTANTINO, D.J.

This is a motion pursuant to Rule 35,
Fed.R.Crim.P. to reduce the sentence imposed on petitioner
on October 24, 1975. After review of the record, the court
concludes that no reduction is warranted. Accordingly,
the petition is denied.



U. S. D. J.

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
3 -----X

4 UNITED STATES OF AMERICA, :

75-CR-407

5 -against- :

6 JACINTO NEGRON, :

7 Defendant. :
8 -----X
9

10 United States Courthouse
11 Brooklyn, New York

12 October 24, 1976
13 10:30 o'clock A.M.

14 B e f o r e :

15 HONORABLE MARK A. COSTANTINO, U.S.D.J.

16 I hereby certify that the foregoing is
17 a true and accurate transcript from my
18 stenographic notes in this proceeding.

19 Official Court Reporter
20 U. S. District Court

21 *Raymond Stalker*

22 RAYMOND STALKER
23 ACTING OFFICIAL COURT REPORTER
24
25

FILED
U.S. DISTRICT COURT E.D. NY
JUN 17 1976
TIME A.M.
P.M.

1 **Appearances:**

2
3 DAVID G. TRAGER, ESQ.
4 United States Attorney
5 for the Eastern District of New York

6 BY: RICHARD APPLEBY, ESQ..
7 Assistant U.S. Attorney

8 JEFFREY RESSLER, ESQ.
9 Attorney for Defendant

10
11 **Also present:**

12
13 EMIL RODRIGUEZ,
14 Interpreter

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1 THE CLERK: United States v. Jacinto Negron.

2 MR. RESSLER: Do you want me to adjourn, my
3 client asked me to ask the Court to adjourn the
4 sentence.

5 THE COURT: I will not adjourn the sentence.

6 MR. RESSLER: I just made the application.

7 THE COURT: I think at this point --

8 MR. RESSLER: I just indicated the desires of
9 my client.

10 THE COURT: He must be sentenced.

11 MR. RESSLER: I will make it formally on the
12 record.

13 THE COURT: Please place it on the record.

14 MR. RESSLER: Your Honor, I have spoken to my
15 client this morning and he has indicated to me that
16 he is -- do we have a Spanish interpreter?

17 MR. APPLEBY: No, we don't.

18 MR. RESSLER: We need an interpreter.

19 THE COURT: We need a second call. We need an
20 interpreter.

21 MR. RESSLER: I'm sorry, your Honor.

22 THE COURT: He doesn't understand any English.
23 Did we have an interpreter when we took the plea?

24 MR. APPLEBY: Yes, we did.

25 MR. RESSLER: Yes, your Honor.

1 THE COURT: Second call.

2 (Short recess.)

3 THE CLERK: United States v. Negron.

4 THE COURT: Where is the interpreter?

5 MR. RODRIGUEZ: Emil Rodriguez.

6 (Whereupon, the Clerk of the Court swore the
7 Interpreter.)

8 MR. RESSLER: Your Honor, preliminarily, my
9 client has indicated off the record previously, he
10 requested that I ask the Court for an adjournment of
11 his sentence for approximately thirty days. He
12 indicates that he wishes to have this adjournment
13 because the two of the co-defendants, a Miss Restreppo
14 and a Mr. Lasan who have elected to go to trial,
15 he indicated both on the plea and during the probation
16 report, he is indicating now that the two young men
17 had basically nothing to do with it and he wishes to
18 testify and he wants to be interviewed by Mr. Cutler
19 and to assist Mr. Cutler.

20 THE COURT: Mr. Cutler?

21 MR. RESSLER: Who is the attorney for Restreppo
22 and Lasan. He wishes to be able to assist them.

23 THE COURT: All he has to do at the proper time
24 is serve a subpoena and notice to have him brought in
25 from the institution that he is going to be placed in.

1 If he wants to testify he can do so.

2 MR. RESSLER: Obviously.

3 THE COURT: He might as well do it while his
4 time is running rather than stalling and waiting for
5 the case. The Court denies the application in the
6 interest of justice.

7 THE DEFENDANT: You can give me the time you
8 want.

9 MR. RESSLER: What would you really like to do?
10 Remain in the M.C.C.?

11 THE COURT: I have no control over that. When
12 he is sentenced by the Court he is usually sent to the
13 Attorney General who will decide what to do with him
14 and where to place him. I don't have anything to do
15 with him and I don't intend to start. It's not like
16 seeking a hold for a subpoena.

17 MR. RESSLER: I understand.

18 THE COURT: Yes?

19 MR. RESSLER: Other than that, the defendant is
20 ready.

21 THE COURT: What do you have to say on behalf
22 of the defendant?

23 MR. RESSLER: If it please the Court, I have
24 read the Probation report. The Court has the
25 Probation report before it. As the Court can see, this

1 is a young man who has one previous conviction with
2 the law in New York. He is commonly known in Colombia
3 as well as in New York as a mule. He is a carrier for
4 the principals. He is a carrier for the cocaine
5 interests in Colombia and unfortunately --

6 THE COURT: Can I make one observation? They
7 come in and say he's a mule or a carrier, he's a horse
8 going back and forth. Let me tell you how many people
9 are mules. They are all mules unless they can find the
10 guy who is giving it to them.

11 MR. RESSLER: I'm not indicating --

12 THE COURT: It doesn't impress me to any great
13 extent. It's just like the story of a man carrying a
14 gun, he never intended to kill anyone.

15 MR. RESSLER: They are in mitigation in a sense,
16 but unfortunately those people are not caught who are
17 the ones who run the show. I can assure your Honor.

18 THE COURT: Runs the show?

19 MR. RESSLER: For someone of importance to this
20 organization, the bail is only \$50,000. The Court
21 well knows in its experience, they post bail and the
22 first adjourned date there would have been no defendant
23 present.

24 THE COURT: I'll accept the explanation along
25 with the admission.

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MR. RESSLER: Your Honor, other than that, I will not waste the Court's time.

THE COURT: You're not wasting my time. You're here representing the defendant and his liberty is being taken away, that is, he is entitled to live freely on the outside and therefore you must make a statement to the Court that you think is in the best interest of your client.

MR. RESSLER: Your Honor, I have nothing to say at this time.

THE COURT: Mr. Negron, you have a right to speak. You may say anything you desire on your own behalf before I pass sentence. The Court has a Probation report at this time.

THE DEFENDANT: The only thing I want to do is to release the innocent ones and since we are guilty we might as well do whatever the Court desires.

THE COURT: All right, then the Court is ready to pass judgment on the defendant.

Do either one of you have anything else to say, does the defendant have anything more to say?

THE DEFENDANT: Ask him whether I could, could go back to the street or could I go back, could I be released on bail?

THE COURT: If he should think he's entitled to

1 probation, let the Court know why you think you're
2 entitled to Probation.

3 (No response.)

4 THE COURT: Nothing further to say?

5 THE DEFENDANT: No.

6 THE COURT: The Court passes judgment as
7 follows: Taking into consideration the attorney's
8 statement and the defendant's statement to the Court,
9 I sentence the defendant to ten years in jail, fifteen
10 years special parole term. The condition being after
11 he completes his jail term, he is to be deported, not
12 to return to America.

13 MR. APPLEBY: Your Honor, the defendant claims
14 to be 23. I doubt whether he is truly 23.

15 THE COURT: I don't see anything in the report
16 that shows it.

17 MR. RESSLER: He is 21.

18 THE COURT: He is 21 now?

19 MR. RESSLER: He's 21 at the time of sentence
20 when they did a Probation report.

21 THE COURT: That was in 1973?

22 MR. RESSLER: '73.

23 THE COURT: The Court must now advise him in
24 view of his involvement in the matter before the Court
25 and the particular part that he took in that involvement,

the Court denies him Y.C.A. treatment.

MR. APPLEBY: At this time, the Government would move to dismiss counts 1 and 2 of the indictment of 75-CR-407 as against the defendant Negron.

THE COURT: Counts 1 and 2 are dismissed.

(Whereupon, these proceedings were concluded.)

* * *

Brooklyn DISTRICT OF New York City

FILED
IN CLERK'S OFFICE
S. DISTRICT COURT E.D. N.Y.

Jacinto Neron,
Petitioner

vs.

UNITED STATES OF AMERICA,
Respondent

75Cr 407 TIME A.M.
P.M.
NOTION TO VACATE

SENTENCE

Rule 35

COMES NOW, Jacinto Negron the Petitioner herein,
and moves this Court to vacate the sentence heretofore entered in this
cause on October 24, 1975 in the United States District
Court for the Brooklyn District of New York City,
Honorable Judge E. Constantino, presiding. A copy of the jud-
gement is attached to this Motion as Exhibit (A), Petitioner is present-
ly confined in the Federal Reformatory of Petersburg, Virginia.

The sentence pursuant to which Petitioner is being detained was imposed in violation of the Youth Correction Act of 1950, 18 U.S.C. et seq., in that the Petitioner was eligible for the Act, though the presiding judge did not make the required "explicit" finding. And/or, senten-

ing discretion was not exercised at all. In violation of the Youth Correction Act of the United States Constitution, Petitioner cites: Yates v. United States, 356 U.S. 363, 366-367 (1958); United States v. Daniels, 446 F.2d 967, 972 (CA6 1971); United States v. Williams, 407 F.2d 940, 945 (CA4 1969); Douglas Dorszynski v. United States, No. 73-5284 - (June 26, 1974).

I. The facts showing these constitutional violations are as follows:

A. Douglas Dorszynski v. United States, No. 73-5284 - (June 26, 1974)

Mr. Chief Justice Burger delivered the opinion of the Court.

We granted certiorari, 414 U.S. 1091 (1973), to resolve a conflict in the circuits concerning whether, in sentencing a youth offender under other applicable penal statutes, subsection 5010 (d) of the Youth Corrections Act of 1950, 18 U.S.C. 5005 et seq., requires a federal district court first to make an explicit finding, supported by reasons on the record, that the offender would not benefit from treatment under subsections (b) or (c) of that Act. The Court of Appeals held that such a finding may be implied from the record, 484 F.2d 849 (1973). Three circuits have taken that position, and three circuits have required an explicit accompanied by supporting reasons. We conclude that while an express finding of no benefit must be made on the record, the Act does not require that it be accompanied by supporting reasons. The judgement of the Court of Appeals is therefore reversed, and the case is remanded to the District Court for further proceedings.

Section I. (paragraph 2, line 10)

(; the court was also advised that since petitioner might have been under the age of 26, he "may also be subject to the Federal Youth Corrections Act.")

B. Yates v. United States, 356 U.S. 363, 366 - 367 (1958); United States v. Daniels, 446 F.2d 967, 972 (CA6 1971); United States v. Williams, 407 F.2d 940, 945 (CA4 1969)

(Although well-established doctrine bars review of the exercise of sentencing discretion, limited review is available when sentencing discretion is not exercised at all.)

II. Because of the foregoing facts, Petitioner is being retained of his liberty by respondent in violation of the U.S. Constitution, and he therefore prays that this Motion be granted and an Order entered vacating his sentence.

Respectfully Submitted,

James A. Keron

Federal Reformatory
Petersburg, Virginia

VERIFICATION

STATE of VIRINIA *
*
COUNTY of PRINCE GEORGE *

James A. Keron being first sworn under oath, presents that he has subscribed to the foregoing petition and does state that the information therein is true and correct to the best of his knowledge and belief.

SUBSCRIBED AND SWORN TO BEFORE ME THIS

19th DAY of January 1976

William A. Keron
Notary Public

NOTARY PUBLIC BY THE ACT OF
JAN. 7, 1967 TO EXPIRE
JAN. 7, 1971 S. C. 4094.

IN THE
UNITED STATES DISTRICT COURT
FOR THE Brooklyn DISTRICT OF New York City

*
* Jacinto Negron *
* Petitioner *
* vs. *
*
* UNITED STATES OF AMERICA *
* Respondent *
*
*
*
*

AFFIDAVIT OF NEED TO PROCEED
IN FORMA PAUPERIS

I, Jacinto Negron, being duly sworn, depose and say that I am the Petitioner in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following: Motion to vacate sentence due to violation of Y. C.A. of 1950, 18 U.S.C.

I further swear that the responses which I have made to the questions and instruction below relating to my ability to pay the cost of prosecuting the appeal are true.

- I. I am not presently employed.
- II. I have not received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other sources.
- III. I do not own any cash or checking or savings accounts.

William A. Genn
Parole Officer

Authorized by the Act of
July 7, 1951 to administer
Sworn (28 U. S. C. 1221)

1/19 19 16

CERTIFICATE OF SERVICE

October 27, 1976

I certify that a copy of this brief and appendix
has been mailed to the United States Attorney for the
Eastern District of New York.

Sheila Gerskey